

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CORNELIUS PURNELL,

Plaintiff,

v.

WEXFORD HEALTH SOURCES, KIM K.

JOHNSON, DR. DAVID ALFONSO,

KAREN SMOOT, and ROB JEFFREYS,

Defendants.

Case No. 20-cv-641-RJD

**ORDER**

**DALY, Magistrate Judge:**

This matter comes before the court for case management purposes. On June 29, 2020, Plaintiff filed this suit pursuant to 42 U.S.C. §1983, alleging his Eighth Amendment rights were violated by Defendants at Shawnee Correctional Center. Plaintiff was incarcerated within the Illinois Department of Corrections (“IDOC”) at the time he filed suit. Along with his Complaint, he filed a motion to proceed *in forma pauperis* (Doc. 2). The Court granted his motion, and pursuant to 28 U.S.C. §1915(b)(1), assessed him an initial partial filing fee \$14.44 (Doc. 14). The Court directed IDOC to forward the initial partial filing fee from Plaintiff’s account to the Clerk of Court upon receipt of the Order.

Defendants waived service (Docs. 27-31). Plaintiff was released from prison and filed a Notice of Change of Address with the Court on November 24, 2020 (Doc. 56). The Court entered a Scheduling Order on November 25, 2020, noting that Plaintiff never paid his initial partial filing fee (Doc. 57). The Court ordered Plaintiff to either pay the initial partial filing fee or demonstrate he did not have the means to do so on or before January 25, 2021 (Doc. 57).

By January 29, 2021, Plaintiff still had not paid the initial partial filing fee, nor had he submitted documentation to the Court demonstrating that he did not have the money to do so. The Court ordered Plaintiff to show cause on or before February 12, 2021 why he should not be sanctioned for failing to comply with the Court's order to pay his initial partial filing fee. Plaintiff was warned that his failure to comply with the Show Cause Order may lead to dismissal of this case with prejudice for his failure to prosecute (Doc. 64).

As of today's date, Plaintiff still has not paid his initial partial filing fee, nor has he submitted documentation to show that he cannot pay the fee. He has not filed any type of motion for extension of time. Since November 25, 2020, he has not submitted anything to the Court, despite two Orders requiring him to do so.

This Court has the "inherent authority to dismiss a case *sua sponte* for a plaintiff's failure to prosecute." *O'Rourke Bros. Inc. v. Nesbitt Burns, Inc.*, 201 F.3d 948, 952 (7th Cir. 2000). Such a dismissal may be made "when there is a 'clear record of delay or contumacious behavior.'" *Daniels v. Brennan*, 887 F.2d 783, 785 (7th Cir. 1989) (internal citations omitted). A month has passed since Plaintiff's deadline for compliance with the Scheduling Order. More than a week has passed since Plaintiff's deadline for compliance with the Show Cause Order. The Court warned Plaintiff that failure to comply with the Show Cause Order may result in dismissal of this matter with prejudice. Plaintiff failed to comply with two Orders. Consequently, this matter is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: February 24, 2021**

*s/ Reona J. Daly*  
**Hon. Reona J. Daly**  
**United States Magistrate Judge**